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SAN FRANCISCO COMMUNITY COLLEGE DISTRICT, et al.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARGIE CHERRY and ESTORIA CHERRY
on behalf of themselves and all others
similarly situated,

Plaintiffs,

vs.

THE CITY COLLEGE OF SAN
FRANCISCO ("City College"); et al.

Defendants.

Case No.: C04-4981 WHA

~~[PROPOSED]~~ **ORDER**

**RE: DEFENDANTS' ADMITTED
VIOLATIONS**

**Trial Date: February 14, 2006
Hon. William H. Alsup**

On January 19, 2006, over objections and subject to rights of appeal, per the Court's order defendants filed an "admitted violations" list that was compiled by reviewing defendants' court-ordered responses to the items specifically identified on plaintiffs' "alleged" barrier list. The Court now finds that those items are admitted as violations of Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990. The items are specifically set forth herein (identified first by campus, then building (where applicable), location in the building, and then the specific item described), as follows:

CASTRO VALENCIA CAMPUS

<u>Location of Item</u>	<u>Condition</u>
Path of Travel Between Boundary of Site and Primary Entrances: Ramp to Designated Accessible Entrance - East Side of Building at Southeast Corner	Ramp: The vertical drop step approx eight feet from the ramp end of the landing is not protected by a raised edge along the face of the bottom landing, as required

DOWNTOWN CAMPUS

<u>Location of Item</u>	<u>Condition</u>
2ND Floor: Library Media Room/ Computer Room	Entry Door: Door requires greater than the maximum 5 lbs of force to open.
3rd Floor: Women's Restroom	Accessible Stall: The clear floor space between the side of the toilet and the face of the adjacent stall wall is significantly below the 32" minimum required.
5th Floor: Men's Restroom	Door: Door requires greater than the maximum 5 lbs of force to open.
	Toilet: The centerline of the toilet is not 18" from the wall as required.
	Vestibules: The strike edge provided on the pull side of this door is below the 18" minimum.
5th Floor: Women's Restroom	Door: Door requires greater than the maximum 5 lbs of force to open.
	Stall: The door swings between the front face of the toilet and the door swing is less than the 48" required.
	Toilet: The centerline of the toilet is not 18" from the wall as required.
8th Floor: Men's Restroom	Urinals: The urinals provided in this restroom project below the required 14" minimum and are mounted above the maximum 17".
8th Floor: Room 822	Door: Door does not have accessible operating hardware.

EVANS CAMPUS	
<u>Location of Item</u>	<u>Condition</u>
Men's Restroom off Auto Shop	Coat Hooks: Set at a height which exceeds the permitted maximum height of 48".
	Grab Bars: The edge of the side grab bar extends less than the required minimum 52" from rear wall.
	Grab Bars: The rear grab bar is less than minimum 36".
	Paper Towel Dispenser: Does not have accessible operating hardware.
	Sink Pipe Insulation: Hot or sharp-surfaced water/drain pipe not insulated or covered which is a safety issue.
	Stall A: U-shaped handle or loop is required on both sides of the accessible stall door.
	Toilet Paper Dispenser: The toilet paper dispenser is not within 12" as is required.
Women's Restroom off Auto Shop	Coat Hook: Set at a height which exceeds the permitted maximum height of 48".
	Grab Bars: The rear grab bar is less than minimum 36".
	Grab Bars: The edge of the side grab bar extend less than the required minimum 52" from rear wall.
	Paper Towel Dispenser: Does not have accessible operating hardware.
	Sink Pipe Insulation: Hot or sharp-surfaced water/drain pipe not insulated or covered which is a safety issue
	Stall A: U-shaped handle or loop is required on both sides of the accessible stall door.
	Stall Door: The door to the accessible stall swings into the stall; this configuration does not meet all clearances required in the stall

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GOUGH STREET CAMPUS

<u>Location of Item</u>	<u>Condition</u>
Entrance at Gough St	Entrance: No compliant signage is provided as required.
	Entrance Door: Does not have required 3-second pause.
Exterior entrances: Main Entrance at Parking Lot	Entrance: No compliant signage is provided as required.

JOHN ADAMS CAMPUS

<u>Location of Item</u>	<u>Condition</u>
1st Floor Elevator Lobby	Doors: Door requires greater than the maximum allowable force to open.
Basement Level: Men's Restroom Rm. 48	Accessible Stall: No loop handle on the interior side of the stall door as required.
	Grab Bar: The edge of the side grab bar extends less than the required minimum 52" from rear wall.
	Stall Door: The stall door closer is broken.
Basement Level: Unisex Restroom Rm. 54	Entry Door: Does not have sufficient 3 second sweep time.
Gymnasium: Men's Restroom	Grab Bar: The edge of the side grab bar is more than the permitted maximum of 12" from the rear wall.
Gymnasium: Men's Restroom	Door: Door requires greater than the maximum 5 lbs of force to open.
Gymnasium: Women's Restroom	Door: Door requires greater than the maximum 5 lbs of force to open.

OCEAN CAMPUS BATMALE HALL

<u>Location of Item</u>	<u>Condition</u>
4th Floor Men's Restroom	Stall A: U-shaped handle or loop is required on both sides of the accessible stall door.

OCEAN CAMPUS BATMALE HALL	
<u>Location of Item</u>	<u>Condition</u>
4th Floor Women's Restroom	Grab Bars: The edge of the side grab bar extends less than the required minimum 52" from the rear wall.
	Stall A: U-shaped handle or loop is required on both sides of the accessible stall door.
5th Floor Men's Restroom	Stall A: U-shaped handle or loop is required on both sides of the accessible stall door.
5th Floor Women's Restroom	Stall A: U-shaped handle or loop is required on both sides of the accessible stall door.
6th Floor Men's Restroom	Stall A: U-shaped handle or loop is required on both sides of the accessible stall door.
6th Floor Women's Restroom	Stall A: U-shaped handle or loop is required on both sides of the accessible stall door.
7th Floor Men's Restroom	Stall A: U-shaped handle or loop is required on both sides of the accessible stall door.
7th Floor Women's Restroom	Stall A: U-shaped handle or loop is required on both sides of the accessible stall door.

OCEAN CAMPUS CHILD CARE CENTER	
<u>Location of Item</u>	<u>Condition</u>
Ramp at East Building Entrance	Ramp Landing: Bottom landing at ramp not level (2% slope max).

OCEAN CAMPUS CLOUD HALL	
<u>Location of Item</u>	<u>Condition</u>
1ST Floor Men's Restroom (Rm. C134)	Accessible Stall: No loop handle on the interior side of the stall door as required.
	Door: Door requires greater than the maximum 5 lbs of force to open.

OCEAN CAMPUS CLOUD HALL	
<u>Location of Item</u>	<u>Condition</u>
1st Floor Women's Restroom (Rm. C129)	Accessible Semi-Ambulant Stall: No loop handle on the interior side of the stall door as required.
	Door: Door requires greater than the maximum 5 lbs of force to open.
	Sink Pipe Insulation: Hot or sharp-surfaced water/drain pipe not insulated or covered which is a safety issue.
2nd Floor	Building Directory: Information locating the accessible restrooms and elevators is not provided.
2nd Floor: Men's Restroom (Rm. C250)	Accessible Semi-Ambulant Stall: No loop handle on the interior side of the stall door as required.
	Door: Door requires greater than the maximum 5 lbs of force to open.
2nd Floor: Women's Restroom (Rm. C234)	Accessible Stall: No loop handle on the interior side of the stall door as required.
	Accessible Stall Door: The landing at the pull side of the stall door less than minimum of 48" clear space due to obstruction of the paper towel dispenser and lavatory.
	Door: Door requires greater than the 5 lbs. of force to open.
	Sink: The P-trap extends from the wall beyond the maximum of 6".
3rd Floor	Building Directory: Information locating the accessible restrooms and elevators is not provided.
3rd Floor: Men's Restroom (Rm. C360A)	Door: Door requires greater than the maximum 5 lbs. of force to open.
	Sink Pipe Insulation: Hot or sharp-surfaced water/drain pipe not insulated or covered which is a safety issue.
3rd Floor: Women's Restroom (Rm. C361A)	Door: Door requires greater than the maximum 5 lbs. of force to open.
	Sink Pipe Insulation: Hot or sharp-surfaced water/drain pipe not insulated or covered which is a safety issue.
4th Floor: Unisex Restroom (Right Side)	Door: Door requires greater than the maximum 5 lbs. of force to open.
	Hallway Width: There is less than minimum (sic) 48" deep landing at push side of door.

OCEAN CAMPUS CREATIVE ARTS BUILDING	
<u>Location of Item</u>	<u>Condition</u>
1st Floor: Men's Accessible Room	Accessible Stall: No loop handle on the interior side of the stall door required.
1st Floor: Women's Restroom	Accessible Stall: No loop handle on the interior side of the stall door required.
2nd Floor: Men's Restroom	Accessible Stall: No loop handle on the interior side of the stall door required.
2nd Floor: Women's Restroom	Accessible Stall: The centerline of the toilet is not 18" from the wall as required.
3rd Floor Men's Restroom	Accessible Stall: The centerline of the toilet is not 18" from the wall as required.
3rd Floor: Women's Restroom	Accessible Stall: The centerline of the toilet is not 18" from the wall as required.
Diego Rivera Theatre: Men's Restroom (Rm. 153)	Accessible Stall: The centerline of the toilet is not 18" from the wall as required.
Diego Rivera Theatre: Women's Restroom (Rm. 154)	Accessible Stall: The centerline of the toilet is not 18" from the wall as required.
	Sink Pipe Insulation: Hot or sharp-surfaced water/drain pipe not insulated or covered which is a safety issue.

OCEAN CAMPUS CREATIVE ARTS EXTENSION	
<u>Location of Item</u>	<u>Condition</u>
1st Floor: Men's Restroom (Rm. A194)	Accessible Stall: The centerline of the toilet is not 18" from the wall as required.
	Door: Door requires greater than the maximum 5 lbs. of force to open.
	Grab Bars: The edge of the side grab bar extends less than the required minimum 52" from the rear wall.
	Toilet Paper Dispenser: The toilet paper dispenser is not mounted below the grab bar as required.

OCEAN CAMPUS CREATIVE ARTS EXTENSION	
<u>Location of Item</u>	<u>Condition</u>
1st Floor: Women's Restroom (Rm. A192)	Accessible Stall: The centerline of the toilet is not 18" from the wall as required.
	Accessible Stall: No loop handle on the interior side of the stall door required.
	Door: Door requires greater than the maximum 5 lbs. of force to open.
	Grab Bars: The edge of the side grab bar extends less than the required minimum 52" from the rear wall.
2nd Floor: Men's Restroom Rm. 272	Door: Door requires greater than the maximum 5 lbs. of force to open.
	Grab Bars: The edge of the side grab bar extends less than the required minimum 52" from the rear wall.
2nd Floor: Women's Restroom Rm. 270	Accessible Stall: The centerline of the toilet is not 18" from the wall as required.
	Accessible Stall: No loop handle on the interior side of the stall door required.
	Door: Door requires greater than the maximum 5 lbs. of force to open.
	Grab Bars: The edge of the side grab bar extends less than the required minimum 52" from the rear wall.
	Sanitary Seat Cover Dispenser: Mounted higher than the permitted 40" maximum above finished floor.

OCEAN CAMPUS: - EXTERIOR PATHS OF TRAVEL	
<u>Location of Item</u>	<u>Condition</u>
Curb Ramp at Crosswalk #8 (South)	Curb Ramp: Built-up curb ramp projects into traffic lane.
Curb Ramp East of Crosswalk #12	Curb Ramp: No level landing (2% slope max) provided at top of curb ramp.
Curb Ramp in Front of Science Hall	Public Pay Telephone: The highest operable mechanism of the telephone is more than the

OCEAN CAMPUS: - EXTERIOR PATHS OF TRAVEL

<u>Location of Item</u>	<u>Condition</u>
	maximum of 48" on center as specified.
East Sidewalk on Phelan Ave.	Sidewalk: Pavement dislocation and bridge transition creates abrupt change in level exceeding ½" in height.
Entrance to Pedestrian Overpass to BART	Walkway: Pavement dislocation and bridge transition creates abrupt change in level exceeding ½" in height.
Upper Accessible Parking at Central Campus	Accessible Parking: Two of eight accessible parking do not have designated (outlined and hatched) access aisles.
Upper Ramp Landing	Ramp: At transition, pavement dislocation creates an abrupt change due to a 1" wide gap between panels.

OCEAN CAMPUS: - ORNAMENTAL HORTICULTURE

<u>Location of Item</u>	<u>Condition</u>
Exterior Entrance (#1): Main Entrance (North)	Swing Door: Do not have required 3 second pause.
Men's Locker Accessible Restroom	Accessible Stall: The stall door closer is broken.
	Accessible Stall: No loop handle on the interior side of the stall door as required.
	Door: Door requires greater than the maximum 5 lbs. of force to open.
	Sink: Knee space clearance does not meet minimum 27" above finished floor.
Path of Travel	Walkways: Broken cement.
Women's Locker Restroom	Accessible Stall: No loop handle on the interior side of the stall door as required.
	Door: Door requires greater than the maximum 5 lbs. of force to open.
	Mirror: The lower edge of the mirror is above the required maximum of 40" above finished floor.

OCEAN CAMPUS: - ROSENBERG LIBRARY	
<u>Location of Item</u>	<u>Condition</u>
1st Floor: Unisex Restroom (Rm. 109)	Door: Door requires greater than the maximum 5 lbs. of force to open.
	Sanitary Seat Cover Dispenser: Mounted higher than the permitted 40" maximum above finished floor.
2nd Floor: Computer Lab Rm. R209	Door: Door requires greater than the maximum 5 lbs. of force to open.
2nd Floor: Computer Lab Rm. 210	Door: Door requires greater than the maximum 5 lbs. of force to open.
2nd Floor: Language Lab Rm. 205	Door: Door requires greater than the maximum 5 lbs. of force to open.
2nd Floor: Learning Assistance Center Rm. R207-R232	Door: Door requires greater than the maximum 5 lbs. of force to open.
2nd Floor: Men's Restroom Room 201	Accessible Stall: No loop handle on the interior side of the stall door as required.
	Door: Door requires greater than the maximum 5 lbs. of force to open.
	Grab Bars: The edge of the side grab bar extends less than the required minimum 52" from rear wall.
2nd Floor: Women's Restroom Rm. 202	Accessible Stall: No loop handle on the interior side of the stall door as required.
	Door: Door requires greater than the maximum 5 lbs. of force to open.
	Grab Bars: The edge of the side grab bar extends less than the required minimum 52" from rear wall.
	Semi-Ambulant Stall: No loop handle on the interior side of the stall door as required.
3rd Floor: Audio Visual Rm. R306	Door: Door requires greater than the maximum 5 lbs. of force to open.
3rd Floor: Disabled Students Persons & Services R 323	Door: Door requires greater than the maximum 5 lbs. of force to open.
3rd Floor: Men's Restroom Rm. 303	Accessible Stall: No loop handle on the interior side of the stall door as required.

OCEAN CAMPUS: - ROSENBERG LIBRARY	
<u>Location of Item</u>	<u>Condition</u>
	Door: Door requires greater than the maximum 5 lbs. of force to open.
	Grab Bars: There is no side grab bar provided.
	Stall Door: The strike clearance at the push side of the door is less than the required minimum 12" clear.
3rd Floor: Men's Restroom Rm. 317	Accessible Stall: No loop handle on the interior side of the stall door as required.
	Door: Door requires greater than the maximum 5 lbs. of force to open.
	Grab Bars: The edge of the side grab bar extends less than the required minimum 52" from rear wall.
3rd Floor: Multi-Media Rm. 301	Door: Door requires greater than the maximum 5 lbs. of force to open.
3rd Floor: Multi-Media Rm. R304	Accessible Seating: There are 63 fixed seats and there is one designated wheelchair space provided in the back (4 accessible wheelchair spaces are required.)
	Aisle Width: Aisle from the door to the front of the room is obstructed at a width less than the 36" minimum based on location of fixed seats.
	Door: Door requires greater than the maximum 5 lbs. of force to open
	Door: The strike clearance of the door is blocked by fixed seating (18" minimum to a depth of 60" minimum.)
	Door: The landing on the push side of the door is less than the required 48" minimum.
3rd Floor: Multi-Media Rm. R305	Accessible Seating: There are 56 fixed seats and there is one designated wheelchair space provided in the back (4 accessible wheelchair spaces are required.)
	Aisle Width: Is less than the required 36" minimum from the door to the front of the room.
	Door: The landing on the push side of the door is less than the required 48" minimum.
	Door: Door requires greater than the maximum 5 lbs. of force to open.

OCEAN CAMPUS: - ROSENBERG LIBRARY	
<u>Location of Item</u>	<u>Condition</u>
3rd Floor: Women's Restroom Rm. 302	Accessible Stall: No loop handle on the interior side of the stall door as required.
	Door: Door requires greater than the maximum 5 lbs. of force to open.
	Grab Bars: The edge of the side grab bar extends less than the required minimum 52" from rear wall.
3rd Floor: Women's Restroom Rm. 318	Accessible Stall: No loop handle on the interior side of the stall door as required.
	Door: Door requires greater than the maximum 5 lbs. of force to open.
	Semi-Ambulant Stall: No loop handle on the interior side of the stall door as required.
4th Floor: Library Lab R414	Door: Door requires greater than the maximum 5 lbs. of force to open.
4th Floor: Main Library Entrance	Gates: There are four (4) gates with a more than 10" above finished floor minimum smooth solid bottom on the push side.
4th Floor: Media Center Rm. 403	Door: Door requires greater than the maximum 5 lbs. of force to open.
	Entrance Gate Gap: The entry/exit gate has more than allowed 10" above finished floor minimum gap.
	Gates: The clearance between the series of gates is less than the required 48" minimum.
4th Floor: Men's Restroom Rm. 402	Accessible Stall: No loop handle on the interior side of the stall door as required.
	Door: Door requires greater than the maximum 5 lbs. of force to open.
	Grab Bars: There is no side grab bar provided.
	Stall Door: The strike clearance at the push side of the door is less than the required minimum 12" clear.
4th Floor: Reserve Book Rm. R407	Door: Door requires greater than the maximum 5 lbs. of force to open.

OCEAN CAMPUS: - ROSENBERG LIBRARY	
<u>Location of Item</u>	<u>Condition</u>
	Stall Door: There is a 5" strike clearance at the push side of the door that is blocked by the checkout counter (12" minimum.)
4th Floor: Women's Restroom Rm. 401	Accessible Stall: No loop handle on the interior side of the stall door as required.
	Door: There is a twist type lock.
	Door: Door requires greater than the maximum 5 lbs. of force to open.
5th Floor: Drinking Fountain: Near the Women's Restroom	Drinking Fountains: Existing drinking fountains are not accessible.
5th Floor: Group Study Rms. R511-R516	Stall Door: There is a 5" strike clearance at the push side of the door that is blocked by the checkout counter (12" minimum.)
5th Floor: Men's Restroom Rm. 522	Accessible Stall: No loop handle on the interior side of the stall door as required.
	Door: Door requires greater than the maximum 5 lbs. of force to open.
	Grab Bars: The edge of the side grab bar extends less than the required minimum 52" from rear wall.
	Path of Travel to Accessible Stall: The clearance between the front of the lavatory and the partition wall is less than the required 44" minimum clear width in path of travel.
	Sanitary Seat Cover Dispenser: Mounted higher than the permitted 40" maximum above finished floor.
5th Floor: Women's Restroom Rm. 523	Accessible Stall: No loop handle on the interior side of the stall door as required.
	Semi-Ambulant Stall: No loop handle on the interior side of the stall door as required.
	Toilet Paper Dispenser: Outer edge not within 36" from back wall and maximum 12" from front edge of toilet.
Exterior Entrance: 4th Floor	Signage: There is no conforming signage provided.

OCEAN CAMPUS - SCIENCE HALL	
<u>Location of Item</u>	<u>Condition</u>
3rd Floor: Men's Restroom 337	Door: Door requires greater than the maximum 5 lbs. of force to open.
	Grab Bars: Fixed seat cover dispenser obstructs grab bar use.
	Grab Bars: At toilet, providing side transfer, side grab bar starting less than 52" from rear wall.
3rd Floor: Women's Restroom 321	Stall Door: Stall door to accessible compartment not self-closing.
	Door: Does not have accessible operating hardware.
	Grab Bars: At toilet, providing side transfer, side grab bar starting less than 52" from rear wall.
	Water Closet: Less than 18" from near sidewall to centerline of toilet.

OCEAN CAMPUS - EOPS	
<u>Location of Item</u>	<u>Condition</u>
EOPS Office Suite: Women's Restroom	Door: Door requires greater than the maximum 5 lbs. of force to open.

OCEAN CAMPUS - STADIUM	
<u>Location of Item</u>	<u>Condition</u>
Lower Accessible Seating (North)	Ramp: Bottom landing at ramp not level (2% slope max.)
Lower Ramp to Accessible Seating (South)	Ramp: Running slope greater than 1:12 (8.3%).
Multi Accommodation Men's Restroom	Sink: Knee space clearance does not meet minimum 27" above finished floor.

OCEAN CAMPUS - STADIUM	
<u>Location of Item</u>	<u>Condition</u>
	Urinal: Fixture mounted with rim more than 17" above floor.
Multi Accommodation Women's Restroom	Semi-Ambulant Stall: Semi-ambulant stall in restroom not compliant (one required where 6 or more exist.) No grab bars provided.
Restroom Serving Chancellor's and Press Box	Grab Bars: Rear grab bar less than 36" long.
	Sink: Clear floor space of 48" in front of fixture, extending 19" maximum under the lavatory, not provided.
	Stall: The existing toilet exceeds the requirements.
	Swinging Door: At push side, door does not have clear and level maneuvering space measuring door width x 48".
	Water Closet – Flush Control Handle: Not mounted toward wide side of stall.
Single Accommodation Men's Restroom	Wheelchair Clearance: Clear wheelchair turning space with a diameter of 60" not provided (T-space acceptable.)
	Door: Does not have accessible operating hardware.
Single Accommodation Women's Restroom	Grab Bars: Grab bars not at 33" from floor if no tank toilet.
	Sink: Knee space clearance does not meet minimum 27" above finished floor.
	Stall Door: Does not have accessible operating hardware.
	Toilet: The centerline of the toilet is not 18" from the wall as required.
Upper Accessible Seating (North)	Water Closet – Flush Control Handle: Not mounted toward wide side of stall.
	Sidewalk: Grating along entire accessible seating area has grid openings greater than ½" along the line of traffic flow.
Upper Accessible Seating (South)	Sidewalk: Grating along entire accessible seating area has grid openings greater than ½" along the line of traffic flow.

OCEAN CAMPUS – VISUAL ARTS	
<u>Location of Item</u>	<u>Condition</u>
Interior Upper Level First Floor: Men's Room	Grab Bars: In the accessible stall the seat cover dispenser is located above the grab bar behind the toilet. The required 30" x 48" clear ground required for front or side approach is not provided.
	Sink Pipe Insulation: Hot or sharp-surfaced water/drain pipe not insulated or covered which is a safety issue.
Interior Upper Level First Floor: Women's Room	Grab Bars: In the accessible stall the seat cover dispenser is located above the grab bar behind the toilet. The required 30" x 48" clear ground required for front or side approach is not provided.
	Mirror: The lower edge of the mirror is above the required maximum of 40" above finished floor.
	Sink Pipe Insulation: Hot or sharp-surfaced water/drain pipe not insulated or covered which is a safety issue.
Path of Travel to Visual Arts Lower Courtyard	Walkway: When the slope exceeds 5%, the walk must meet the requirements for a pedestrian ramp.
Visual Arts Lower Courtyard	Path of Travel: The cross-slope of the walk is excessive. The maximum cross-slope of a walk shall not exceed 2%.

IT IS SO ORDERED.

Dated: February 1, 2006



HON. WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE